

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAIN RE: PROPOSED COMPLAINT BY
JOSEPH ROBERT GIANNINICase No. [22-mc-80101-RS](#)**ORDER DENYING LEAVE TO FILE
COMPLAINT**

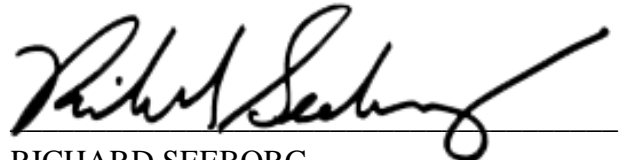
Joseph Giannini petitions to file a Complaint challenging local rules concerning admission to this district and others in the Ninth Circuit. Giannini must obtain leave of the Chief Judge of this District to file suits concerning this subject matter because of the order in *Paciulan v. George*, 38 F.Supp.2d 1128 (N.D. Cal. 1999) *aff'd*, 229 F.3d 1226 (9th Cir. 2000). Under the terms of the prefiling order, Giannini must show he has not litigated any of the proposed claims to the merits stage in any previous action, and also that they must not be frivolous. *Id.* at 1147.

Each of the claims Giannini makes in the proposed Complaint is either a retread of a claim he has brought before, or is frivolous. *See Giannini v. Real*, 711 F. Supp. 992 (C.D. Cal. 1989), *aff'd*, 911 F.2d 354 (9th Cir. 1990) (wherein Giannini raised some of the same claims as here); *Morissette v. Yu*, No. 92–03253 (C.D. Cal. May 26, 1993) (same); *Thaw v. Lynch*, No. 2:15-CV-01703 JWS, 2016 WL 1045527 (D. Ariz. Mar. 16, 2016) (same), *aff'd sub nom. Thaw v. Sessions*, 712 F. App'x 604 (9th Cir. 2017); *Nat'l Ass'n for the Advancement of Multijurisdiction Prac. v. Berch*, 773 F.3d 1037 (9th Cir. 2014) (same); *Holgate v. Baldwin*, 425 F.3d 671, 676 (9th Cir. 2005) (defining frivolousness).

1 Leave to file the proposed Complaint is denied. The Clerk is directed to close the
2 miscellaneous case and not assign a civil case number.

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4 **IT IS SO ORDERED.**

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6 Dated: April 21, 2022



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8 RICHARD SEEBORG
9 Chief United States District Judge
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